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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,713	02/19/2002	Nicholas Ian Saunders	450110-03849	8705

20999 7590 01/26/2005

FROMMER LAWRENCE & HAUG  
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NEW YORK, NY 10151

EXAMINER

SENF1, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*WJH*

<b>Office Action Summary</b>	<b>Application No.</b> 10/079,713	<b>Applicant(s)</b> SAUNDERS ET AL.	
	<b>Examiner</b> Behrooz Senfi	<b>Art Unit</b> 2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 14 - 19 is/are rejected.
- 7) ☒ Claim(s) 2-11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>Apr 8, 2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 8 and 19 are objected to because of the following informalities: In the claim 8, between 5 and 6 should be an “,” and in claim 19, lines 2, “20” should be removed, since there is no claim 20. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 12 and 14 – 19, are rejected under 35 U.S.C. 102(e) as being anticipated by Burns et al (US 6,760,377).

Regarding claims 1, 12 and 17, Burns '377 discloses, “a signal processing System and method” (i.e. fig. 3) and “a decoder for decoding a first compressed digital video bit-stream .....” (i.e. fig. 3, decoder) and “a signal processor for processing the decompressed bit-stream” (i.e. fig. 3) and “an encoder for compressing the processed bit-stream to produce a second compressed bit-stream having a target bit rate .....” (i.e. figs. 2 - 3, VBV, encoder 4) and « wherein the encoder controls the target bit rate of the second bit-stream” (i.e. fig. 3, controller 6 and encoder 4) and “target bit rate being varied in dependence on one ..... and degree of reuse of the preserved parameters

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being varied in dependence on one or both of ..... to avoid buffer underflow or overflow" reads on (col. 7, lines 1 – 20 and col. 8, lines 25 – 65) and as for "adding stuffing bits, in claim 12" please see (col. 7, lines 59 – 61).

Regarding claims 14 – 15, Burns '377 discloses, "storing the bit stream and communication channel for transferring the bit-stream from the decoder to the encoder in claim 14" (i.e. fig. 3), and "editing in claim 15" (i.e. col. 1, lines 31 – 33).

Regarding claims 16 and 19, Burns '377 discloses, "intra-frame encoder ..... in claim 16" (i.e. col. 1, lines 41 – 44) and "computer program product for implementing the method in claim 19" (i.e. col. 1, lines 7 – 8).

Regarding claim 18, the limitations as claimed are substantially similar to claim 12, and are the method of the system of claim 12, therefore the grounds for rejecting claim 12 also applies here.

#### Allowable Subject Matter

6. Claims 2 – 11 and 13, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for allowance: the prior art of the record fails to anticipate or rendered obvious the conditional limitation of "encoded the second bit-stream without reuse of the preserved parameters, if  $V_2$  is within a predetermined range of underflow of the downstream buffer", and plurality of threshold, "if the  $|v_2 - v_1|$  is greater than a second  $(v_2 - v_1)$  threshold but less than a third  $(v_2 - v_1)$  threshold then the target bit rate is reduced by a medium amount".

Claims 9 – 11 are objected to with respect to claim 8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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B. S. B. P.

12/22/2004

A handwritten signature in black ink, appearing to read "C. Kelley".

CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600